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14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 SAN JOSE DIVISION

17
18 OKLAHOMA FIREFIGHTERS PENSION AND
19 RETIREMENT SYSTEM,

20 Plaintiff,

21 vs.

22 SUNEDISON, INC., et al.,

23 Defendants.
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Related Case No. 5:16-cv-02267-BLF

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE CASE
MANAGEMENT CONFERENCE**

Judge: Hon. Beth Labson Freeman

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STIPULATION AND [PROPOSED] ORDER TO CASE MANAGEMENT CONFERENCE

Case Nos. 5:16-cv-02267-BLF; 5:16-cv-02269-BLF; 5:16-cv-02270-BLF; 5:16-cv-02272-BLF; 5:16-cv-02273-BLF-NMC

1 ANTON S. BADRI, Individually and on Behalf of
2 Others Similarly Situated,

3 Plaintiff,

4 vs.

5 TERRAFORM GLOBAL, INC., et al.,

6 Defendants.

Related Case No. 5:16-cv-02269-BLF

7 IRON WORKERS MID-SOUTH PENSION
8 FUND, Individually and on Behalf of Others
9 Similarly Situated,

10 Plaintiff,

11 vs.

12 TERRAFORM GLOBAL, INC., et al.,
13 Defendants.

Related Case No. 5:16-cv-02270-BLF

14 MITESH PATEL, Individually and on Behalf of
15 Others Similarly Situated,

16 Plaintiff,

17 vs.

18 TERRAFORM GLOBAL, INC., et al.,

19 Defendants.

Related Case No. 5:16-cv-02272-BLF

20 SIMON FRASER, Individually and on Behalf of
21 Others Similarly Situated,

22 Plaintiff,

23 vs.

24 Brian Wuebbels, et al.,

25 Defendants.

Related Case No. 5:16-cv-02273-BLF-
NMC

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STIPULATION AND [PROPOSED] ORDER TO CASE MANAGEMENT CONFERENCE

Case Nos. 5:16-cv-02267-BLF; 5:16-cv-02269-BLF; 5:16-cv-02270-BLF; 5:16-cv-02272-BLF; 5:16-cv-02273-BLF-NMC

Pursuant to Civil Local Rules 6-2(a) and 7-12, the parties, by and through their respective undersigned counsel of record, submit the following stipulation and proposed order:

WHEREAS, on April 26, 2016, defendants removed, *inter alia*, the following actions from the Superior Court of California, San Mateo County to federal court: *Fraser v. Wuebbels et al.* (“*Fraser*”); *Iron Workers Mid-South Pension Fund v. TerraForm Global, Inc. et al.* (“*Iron Workers*”); *Badri v. TerraForm Global, Inc. et al.* (“*Badri*”); *Patel v. TerraForm Global, Inc. et al.* (“*Patel*”); *Oklahoma Firefighters Pension and Retirement System v. SunEdison, Inc. et al.* (“*Oklahoma Firefighters*”) (collectively, the “Removed Actions”);

WHEREAS, on May 10, 2016, the Court related the Removed Actions to *Beltran v. Terraform Global, Inc.*, Case 5:15-cv-04981-BLF (“*Beltran*”) [*Beltran* Dkt. 115];

WHEREAS, on May 26 and 27, 2016, Plaintiffs moved to remand the Removed Actions [*Fraser* Dkt. 23; *Badri* Dkt. 30; *Oklahoma Firefighters* Dkt. 39-40; *Iron Workers* Dkt. 25-26; *Patel* Dkt. 27];

WHEREAS, on June 1, 2016, Defendants moved to transfer the Removed Actions to the Southern District of New York [*Fraser* Dkt. 24-25; *Iron Workers* Dkt. 27-28; *Badri* Dkt. 31-32; *Patel* Dkt. 28-29; *Oklahoma Firefighters* Dkt. 41, 43];

WHEREAS, Plaintiffs’ motions to remand and Defendants’ motions to transfer are scheduled to be heard on October 6, 2016;

WHEREAS, on June 14, 2016, the Court entered an Order granting the parties’ Joint Stipulated Request to File Excess Pages and Extend Briefing Schedule, which provided that oppositions to the remand and transfer motions would be filed on July 14, 2016, and reply briefs in support of the motions would be filed on August 4, 2016;

WHEREAS, the upcoming Initial Case Management Conference (“CMC”) and associated ADR deadlines in the Removed Actions are as currently set as follows:

CASE SCHEDULE – ADR MULTI-OPTION PROGRAM

Date	Event	Governing Rule
7/14/2016	Last day to:	FRCivP 26(f) & ADR L.R. 3-5

1		<ul style="list-style-type: none"> • meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan 	
2			
3		<ul style="list-style-type: none"> • file ADR Certification signed by Parties and Counsel 	Civil L.R. 16-8(b) & ADR L.R. 3-5(b)
4			
5		<ul style="list-style-type: none"> • file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference 	Civil L.R. 16-8(c) & ADR L.R. 3-5(b)
6			
7	7/28/2016	Last day to file Rule 26(f) Report, complete initial disclosure or state objection in Rule 26(f) Report and file Case Management Statement per Standing Order re Contents of Joint Case Management Statement	FRCivP 26(a)(1) & Civil L.R. 16-9
8			
9			
10	8/4/2016	INITIAL CASE MANAGEMENT CONFERENCE at 11:00 a.m. in:	Civil L.R. 16-10
11		Courtroom 3, 5th Floor	
12		San Jose	

WHEREAS, in the interests of efficiency and comity, the parties believe that it would be prudent to continue the CMC and related deadlines currently scheduled in Removed Actions until after the parties have finished briefing and the Court has resolved the jurisdiction and venue questions presented in the competing motions to remand and transfer;

NOW, THEREFORE, the parties hereby STIPULATE and AGREE as follows:

1. The CMC currently scheduled before the Court on August 4, 2016, at 11:00 a.m. in the Removed Actions, along with any associated deadlines under the Federal Rules of Civil Procedure and Local Rules (including ADR deadlines), shall be continued until after the Court rules on the motions to remand and transfer; and
2. In the event the Removed Actions remain before the Court after it rules on the motions to remand and transfer, the Parties shall, if necessary, assist the Court by timely requesting that a new CMC be scheduled in the Removed Actions.

1 Dated: July 12, 2016

Respectfully Submitted,

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3 By: /s/ Timothy Perla

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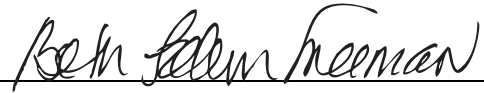
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*Attorneys for Plaintiff Iron Workers Mid-South
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1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

2 Dated: RECEIVED

3 
4 Honorable Beth Labson Freeman
5 UNITED STATES DISTRICT JUDGE
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STIPULATION AND [PROPOSED] ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE
Related Case Nos. 5:16-cv-02267-BLF, 5:16-cv-02269-BLF, 5:16-cv-02270-BLF, 5:16-cv-02272-BLF,
and 5:16-cv-02273-BLF-PSG

SIGNATURE ATTESTATION

I am the ECF User whose identification and password are being used to file the foregoing Stipulation and [Proposed] Order to Continue Case Management Conference. In compliance with Local Rule 5-1(i)(3), I hereby attest that the other signatories have concurred in this filing.

DATED: July 12, 2016

/s/ Timothy Perla

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